

### **Part 3, Chapter 3: Regulations regarding commercial fishing.**

#### ***RULE 3.5 PROCEDURES FOR OBTAINING PADDLEFISH PERMITS FOR THE COMMERCIAL HARVEST OF PADDLEFISH AND PADDLEFISH EGGS AND REPORTING REQUIREMENTS FOR PADDLEFISH HARVEST.***

A. This rule outlines the requirements and procedures for obtaining permits required for the commercial harvest of Paddlefish (spoonbill catfish) and possession of any Paddlefish or Paddlefish eggs and the reporting of these activities.

B. This rule also outlines the requirements and procedures for obtaining the permits to acquire Paddlefish for processing and distribution.

C. Definitions:

1. Paddlefish Harvester – Mississippi resident as set forth in MS Code Section 49-7-9 and incorporating the provisions of 49-7-3(2), who possesses a valid Paddlefish Harvester Permit that allows such person to fish for, attempt to take, possess, and transport Paddlefish to a Paddlefish Processor for documentation of harvest, after which the sale and processing including the removal of eggs may take place.

2. Paddlefish Helper – Mississippi resident as set forth in MS Code Section 49-7-9 and incorporating the provisions of 49-7-3(2), who possesses a valid Paddlefish Helper Permit who assists a person with a Paddlefish Harvester Permit with the fishing for, attempting to take, and taking of Paddlefish. A Paddlefish Harvester permit can substitute for a Paddlefish Helper permit when assisting a Paddlefish Harvester who has with an appropriate Paddlefish Harvest Zone Authorization Card.

3. Paddlefish Processor – Mississippi resident as set forth in MS Code Section 49-7-9 and incorporating the provisions of 49-7-3(2) who possesses a valid Paddlefish Processor Permit which allows him to purchase, attempt to purchase, barter for, process, sell, ship, import, and export Paddlefish, Bowfin, Paddlefish eggs or Bowfin eggs. The Paddlefish Processor shall document the Paddlefish harvest of the Paddlefish Harvester from whom he/she receives, acquires, and or purchases Paddlefish.

4. Paddlefish Processing Agent – Mississippi resident as set forth in MS Code Section 49-7-9 and incorporating the provisions of 49-7-3(2) who possesses a valid Paddlefish Processing Agent Permit to assist the Paddlefish Processor. The Paddlefish Processing Agent can document the Paddlefish harvest of Paddlefish Harvesters from whom the Paddlefish Processing Agent receives Paddlefish for transport to a processing facility. The Paddlefish Processing Agent can also supervise the operation and activities at a processing facility.

5. Paddlefish Harvest Zone Authorization Card – a card issued by the Mississippi Department of Wildlife, Fisheries, and Parks (MDWFP) which authorizes a Paddlefish Harvester to fish for and harvest Paddlefish in the specific waters and dates listed on that card. The

Paddlefish Harvest Zone Authorization Card must be carried on the person of the Paddlefish Harvester at all times when they are fishing for or harvesting Paddlefish in that zone.

6. Paddlefish Egg Harvest Season – September 1<sup>st</sup> through March 31<sup>st</sup> of each calendar year when Paddlefish have eggs suitable for producing caviar. Paddlefish Harvest for eggs is only legal on Paddlefish Harvest Zones as specified in 40 Mississippi Administrative Code Part 3 Rule 3.4.

7. Paddlefish Summer Harvest Season – May 1<sup>st</sup> through August 31<sup>st</sup> of each calendar year.

#### D. Permits and Tag Fees.

1. An individual can only purchase one type of Mississippi Paddlefish permit. Only Mississippi Paddlefish Harvesters can purchase MDWFP Paddlefish tags.

2. The permits required to participate in the Paddlefish egg harvest season, as per the definitions presented and harvest rules delineated in 40 Miss. Admin. Code, Part 3, Rule 3.2 are listed below with the permit fees. A valid Freshwater Commercial Fishing License is needed to purchase the permits, and persons harvesting Paddlefish also need a Paddlefish Harvest Zone Authorization Card issued by MDWFP.

<b>Paddlefish/Roe Permits and Tags</b>	<b>Cost*</b>
Paddlefish Harvester Permit	\$1,000
Paddlefish Helper Permit	\$200
Paddlefish tags (for each paddlefish harvested)	\$3 per bundle of 20 tags
Paddlefish Processor Permit	\$1,000
Paddlefish Processing Agent Permit	\$200

\*Prices listed do not include processing or agent fees.

3. During the Paddlefish Summer Harvest Season a Freshwater Commercial Fishing License and Paddlefish summer harvest tags are needed to possess Paddlefish per rules in 40 Miss. Admin. Code, Part 3, Rule 3.2. The cost for Paddlefish Summer Tags is \$3 per bundle of 20 tags.

#### E. Application for Permits.

1. Applicants must be at least 16 years of age, domiciled in Mississippi, and possess a valid Mississippi Resident Freshwater Commercial Fishing License to apply for a Mississippi Paddlefish Harvester Permit or a Paddlefish Harvester Helper Permit.

2. Applications for Paddlefish Harvester Permits and selection of Paddlefish Harvest Zone Authorization Card(s) will be accepted from October 1 to October 15 for the upcoming Paddlefish Egg Harvest Season. Only applications received during this period will be eligible.

3. Applications for Paddlefish Harvester must be submitted electronically through the MDWFP website at [www.mdwfp.com](http://www.mdwfp.com) (not through license system as in past).

4. The MDWFP reserves the right to limit the number of Mississippi Paddlefish Harvest Zone Authorization Cards to an appropriate number per zone as established in Rule 3.4. When requests exceed available permits, selection of applicants will be by random drawing. Persons who are eligible to receive a Paddlefish Harvest Zone Authorization Card are also eligible to purchase a Paddlefish Harvester Permit.

5. Only one application may be submitted per person per zone. Any person submitting multiple applications within a zone will be disqualified from the drawing process.

6. Selected applicants must validate their intentions by notifying the MDWFP by November 14 that they intend to purchase a Paddlefish Harvester Permit.

7. Persons failing to validate by November 14 will be replaced with substitute applicants.

8. Validation instructions will be included in the notification sent to all selected applicants.

9. Those applicants selected to purchase a Paddlefish Harvester Permit must attend a mandatory meeting to be held at the North Mississippi Fish Hatchery in Enid Mississippi on a date specified in the mailing notification.

10. Persons failing to attend the mandatory meeting will be replaced with substitute applicants who attended the mandatory meeting.

11. Applications for Paddlefish Helper Permits will be accepted online from October 1, 2013 until April 9, 2014 or by calling the MDWFP Fisheries Office in Jackson, Mississippi, 601-432-2200.

12. The Mississippi Department of Wildlife, Fisheries, and Parks has the right to issue the number of Mississippi Paddlefish Processor Permits as it deems necessary and advantageous for the state.

13. All applicants will be notified by mail whether or not they are approved to purchase Mississippi Paddlefish permits.

14. The purchase of any Paddlefish permit is contingent on the condition that permit applicants have not been convicted, within the last three (3) years, of any violations of any state or federal fish and wildlife laws or regulations pertaining to the management of Paddlefish nor have a fish/wildlife violation equivalent to a Class I Mississippi violation.

15. Mississippi Paddlefish Harvester Permits and Mississippi Paddlefish Harvester Helper Permits will expire April 10 of the year following issuance of the permits.

Mississippi Paddlefish Processor and Paddlefish Processing Agent Permits will expire on October 30, 2014.

#### F. Paddlefish Processor Selection Process

1. The MDWFP may grant a statewide Mississippi Paddlefish Egg Processor(s) concession for the Paddlefish egg harvest season. If so, the selection process will be a competitive process of soliciting and evaluating proposals from qualified applicants.

#### G. Mississippi Paddlefish Processor Requirements

1. Person(s) selected to be a Paddlefish Processor must purchase a Mississippi Paddlefish Processor Permit.

2. The Paddlefish Processor agrees to comply with all state and federal laws, rules and regulations regarding the harvest and processing of Paddlefish.

3. All Paddlefish flesh and Paddlefish eggs harvested in Mississippi by Paddlefish Harvesters will be processed (and Paddlefish eggs will be screened) at a Paddlefish processing facility located in the state of Mississippi.

4. The Paddlefish Processor will have an approved HACCP plan, the processing facility will be registered with USFDA and possess any required federal and state health regulation permit(s) prior to the opening of their Paddlefish processing facility. The Paddlefish processing facility can be a mobile unit.

5. The Paddlefish Processor must inform the MDWFP of the location of their Paddlefish processing facility prior to any processing of Paddlefish. The notification must be made to the MDWFP Fisheries Bureau between 8am-5pm, Monday-Friday. This reporting requirement is in addition to any HACCP processing facility reporting requirements.

6. Any violation of these laws, rules and regulations may result in termination by the MDWFP of the right to be a Paddlefish Processor.

7. The Paddlefish Processor agrees to allow employees of the MDWFP, at any time, to inspect their Paddlefish processing facility and to review Paddlefish transaction records. The inspection can involve the recording of biological information on any Paddlefish received at the applicants processing facility

#### H. Reporting Requirements for Harvest

1. The harvest of a Paddlefish shall be documented on a Paddlefish Transaction Form.

a. Stage 1: The following information must be recorded prior to transporting the fish on land to the Paddlefish Processor: The harvester's printed name,

Paddlefish tag number(s), number of nets used, date of harvest, and capture location. The Harvester will sign the Paddlefish Transaction Form.

b. Stage 2: Upon exchange with the Paddlefish Processor, or a Paddlefish Processing Agent, a Paddlefish Transaction Form will have the following recorded: harvester's name, Paddlefish tag number(s) Paddlefish eye to fork length(s) in inches, raw egg weight, number of nets used, date of harvest, capture location, and time of exchange. Both the Paddlefish Harvester and the Paddlefish Processor, or Paddlefish Processing Agent, will sign the Paddlefish Transaction Form. If the exchange is done in the field the raw egg weight will be added immediately after the removal of eggs at the processing facility.

c. Stage 3: After the final screening of Paddlefish eggs, the screened egg weight will be recorded on the Paddlefish Transaction Form along with the distribution destination for flesh and eggs.

2. Any distribution or export of Paddlefish, Paddlefish parts, Paddlefish eggs, Paddlefish caviar, or Bowfin eggs, or Bowfin caviar must be accompanied by a Paddlefish Transaction Form that contains the signature of the Paddlefish Processor.

3. The Paddlefish Harvester and Paddlefish Processor shall retain a copy of each Paddlefish Transaction Form, and the Paddlefish Harvester shall submit the original, either Stage 2 or Stage 3, to the MDWFP on a monthly basis by the 15<sup>th</sup> of each month following the month of harvest. If no Paddlefish were harvested or handled in a month, a Paddlefish Transaction Form shall be submitted indicating such.

4. The Paddlefish Processor shall within 24 hours of a receipt of a Paddlefish(s) submit an electronic copy of the Stage 3 of the Paddlefish Transaction Form by internet to MDWFP. If no Paddlefish were harvested or handled in a month, a Paddlefish Transaction Form shall still be submitted indicating such.

5. The sale of Bowfin eggs shall also be documented on a Paddlefish Transaction Form, on a separate form from any documentation of Paddlefish, with "Paddlefish" in the form title crossed out and "Bowfin" written in its place. Total length shall be recorded in place of eye to tail fork length.

6. During the Summer Paddlefish Harvest Season, the harvest of Paddlefish shall be recorded on forms supplied by MDWFP. These forms are to be submitted to MDWFP no later than September 15<sup>th</sup>.

7. The Paddlefish Processor shall submit to MDWFP each month the pounds of eggs processed, and distribution of products on forms supplied by MDWFP.

a. The Monthly Processor Form will be submitted by the Paddlefish Processor by the 15<sup>th</sup> of the month following the month of report.

HISTORY: Revised September 2013.

SOURCE: MISS. CODE ANN. §§49-1-29, 49-4-4, and 49-7-90.

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13. All applicants will be notified by mail whether or not they are approved to purchase Mississippi Paddlefish permits.

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2. The Paddlefish Processor agrees to comply with all state and federal laws, rules and regulations regarding the harvest and processing of Paddlefish.

3. All Paddlefish flesh and Paddlefish eggs harvested in Mississippi by Paddlefish Harvesters will be processed (and Paddlefish eggs will be screened) at a Paddlefish processing facility, located in the state of Mississippi, ~~which is operated and owned by the Paddlefish Processor.~~

4. The Paddlefish Processor will have an approved HACCP plan, the processing facility will be registered with USFDA and possess any required federal and state health regulation permit(s) prior to the opening of their Paddlefish processing facility. The Paddlefish processing facility can be a mobile unit.

5. The Paddlefish Processor must inform the MDWFP of the location of their Paddlefish processing facility prior to any processing of Paddlefish. The notification must be made to the MDWFP Fisheries Bureau between 8am-5pm, Monday-Friday. This reporting requirement is in addition to any HACCP processing facility reporting requirements.

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7. The Paddlefish Processor shall submit to MDWFP each month the pounds of eggs processed, and distribution of products on forms supplied by MDWFP.

a. The Monthly Processor Form will be submitted by the Paddlefish Processor by the 15<sup>th</sup> of the month following the month of report.

HISTORY: Revised September 2013.

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